



**SUBMISSION on the Ministry for the Environment Discussion Document
“PROPOSED AMENDMENTS TO THE NATIONAL POLICY STATEMENT FOR
FRESHWATER MANAGEMENT 2011”**

To: Freshwater Reform
Ministry for the Environment
PO Box 10362,
Wellington 6143

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Submission on: Proposed Amendments to the National Policy Statement for
Freshwater Management 2011, discussion document

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SUBMISSION ON PROPOSED AMENDMENTS TO THE NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT 2011 DISCUSSION DOCUMENT

Introduction

The following submission is made by Ravensdown Fertiliser Co-operative Ltd (Ravensdown) to the Ministry to the Environment on the November 2013 discussion document “Proposed Amendments to the National Policy Statement for Freshwater Management 2011” the period for submissions closes on 4 February 2014.

Ravensdown is a farmer owned co-operative and imports, manufactures and distributes close to half of New Zealand’s fertiliser requirements. It has around 27,000 New Zealand farmer shareholders. Ravensdown owns and operates three fertiliser-manufacturing plants in Ravensbourne (Dunedin), Hornby (Christchurch) and Awatoto (Napier). Ravensdown also operates 46 bulk fertiliser stores throughout NZ, and has an interest in a further 70 consignment fertiliser stores which are operated by third parties in which Ravensdown products are stored.

In addition to these facilities, Ravensdown operates a number of quarries that mine and process agriculture lime in various parts of New Zealand. These supply around 25% of New Zealand’s agricultural lime requirements. It also has substantial interests in ground spreading and aerial topdressing businesses across the country.

Ravensdown takes an interest in RMA processes at a planning and operational level. It considers regional and district plans from two perspectives – how plan provisions affect its own manufacture and storage activities, and how the plan provisions may affect the users of fertiliser and agrochemical products. At the operational level Ravensdown holds significant consents for the three superphosphate manufacturing plants, and consents for lime quarries and fertiliser stores across the country.

The company is actively involved with research and development relating to on-farm nutrient use, environmental management and mitigation technologies. It is a member of the Fertiliser Association of New Zealand (FANZ), and supports their engagement with Government and Regional Councils relating to nutrient and environmental management. FANZ has also been closely involved with the Land and Water Forum.

The Resource Management Act 1991 (RMA) and the direction it places on councils with regards to freshwater management, and therefore nutrient management, is central to much of Ravensdowns’ activity and that of its farmer shareholders. Therefore the opportunity to comment on potential amendments to the RMA being considered and the Governments approach to freshwater management reforms are appreciated.

The following comments and submissions are made with reference to the questions and numbering set out in the proposed amendments to the National Policy Statement for Freshwater Management 2011 discussion document.

Section 2: Why do we need to amend the NPS-FM?

Question 1: Have we correctly identified the problems currently associated with implementing the NPS-FM?

Ravensdown agrees that the problems highlighted by central government in this discussion document are all issues that are currently holding back the NPSFM implementation. Further national guidance for regional councils is of paramount importance. The proposed amendments are conditionally supported as a further measure to achieving the objectives of the NPSFM and the RMA.

Question 2: If not, what problems, if any, you have faced with implementation?

Nationally one of the most important issues impacting on the management of land and water resources is the need to management resources while at the same time providing for economic growth and development within that region. Councils are struggling to clearly acknowledge this issue and therefore the correct balance between environmental protection and economic growth and development which arises from primary production is not being provided for in planning instruments.

Ravensdown submits that an area where further national guidance and direction is required is the provision for economic growth and development, including social and cultural wellbeing.

Section 3: Options for providing further national direction

Question 3: Do you agree that amending the NPS-FM would solve the problems identified in section 2?

Ravensdown is of the view that the proposed amendments would contribute towards solving the problems identified in section 2.

Ravensdown submits that the preferred option is to amend the existing NPSFM and provide additional guidance and direction to regional councils. Ravensdown is of the view that this further guidance is needed and that the guidance should be clear and specific about:

- Process, especially the collaborative process;
- Matters that must be considered; and
- Matters that must not be considered.

Ravensdown, as a company involved with research and development relating to on-farm nutrient use, environmental management and mitigation technologies, and whose products and services are crucial to New Zealand's farming systems, is actively engaged in the collaboration process at both an industry and regional council level.

Ravensdown submits that if the collaborative process is not well described and engaged in by councils, crucial sources of nutrient management knowledge and technical expertise may be lost or remain unacknowledged. This would result in inconsistencies in the application of the NPSFM amendments.

Section 4: Proposal to amend the National Policy Statement for Freshwater Management

4.1 Accounting for water quality and quantity

Question 7: Do you agree with requiring councils to account for all sources of contaminants?

Ravensdown supports the requirement for all regional councils and unitary authorities to account for all sources of contaminants. Ravensdown submits that all sources must include both point and non-point source contaminant discharges, including background or naturally-occurring contamination. Ravensdown submits that councils accounting systems be robust enough to account for all environmental stressors, not just those than can be attributed to agriculture.

Ravensdown currently provides land holders with nutrient management planning through the development of a nutrient budget or a nutrient management plan. A nutrient management plan provides a comprehensive strategy for the management of macro and micro-nutrients, specific to the property and its implementation aims to optimise productivity, account for all nutrient inputs and outputs within the farm system, and reduce nutrient losses to the receiving environment. In doing this a nutrient management plan provides a farm-scale nutrient loss reporting template for regulatory requirements.

Further to this Ravensdown now offers a more comprehensive user-pays service, called Ravensdown Environmental, which delivers a full analysis of farm systems scenarios and environmental mitigation strategies, all consistent with the regions regulatory requirements.

Ravensdown submits that central government utilise current industry initiatives.

Question 8: Do you think that the requirements in policies CC1 and CC2 of the proposed NPS-FM amendments have the right balance between national prescription and regional flexibility?

Ravensdown submits that Policy CC1 and CC2, which directs regional councils to establish, operate and maintain a freshwater accounting system and make that information available, has the right balance between national prescription and regional flexibility, subject to the correct interpretation of the amended Policy A1, Policy B1 and Policies CA1-CA3.

Ravensdown submits that it should be made clear that Policy CC1 and CC2 includes a direction for unitary authorities.

Question 9: Do you think the time period allowed for councils to develop accounting systems is appropriate?

Ravensdown submits that the two year period is an appropriate timeframe for councils to develop freshwater accounting systems.

4.2 National Objectives Framework: a framework and process to guide freshwater objective setting

Question 10: Should there be a national set of values as outlined in appendix 1 of the proposed NPS-FM?

Ravensdown supports the inclusion of the compulsory and additional national values listed in Appendix 1.

Question 11: Are there any additional values that should be included? Why are these values nationally significant/important (recognising that councils can use other values if they wish)?

Ravensdown submits that 'social wellbeing' is added as an amendment to the 'Āu Putea / economic or commercial development' national value. Social wellbeing is intrinsically linked to the use of freshwater for an individual's or a community's economic benefit.

Question 13: Do you agree with the descriptions of the national values in appendix 1 of the proposed NPS-FM?

Ravensdown submits that the description of the Āu Putea / economic or commercial development national value should be expanded to recognise social wellbeing, either at a local catchment level or at a national scale, as an outcome of freshwater use.

Ravensdown submits that the descriptions are in general accurate and appropriate.

Question 14: Do you agree with the attributes associated with the values in appendix 2 of the proposed NPS-FM?

Ravensdown gives qualified support for the use of attributes, subject to the use of robust science behind the numerical value given for each attribute state.

Many of the attributes listed in appendix 2 are currently, in some form or another, in existing regulation in some regions (e.g. total phosphorus, nitrate toxicity, *E.coli*). However, others such as dissolved oxygen are not.

It is Ravensdown's position that the attributes proposed are unduly weighted against the agricultural community and doesn't recognise or acknowledge other environmental stressors. Biological attributes are crucial in assessing the adverse impacts to freshwater from human activities and from natural occurrences as they directly measure the resource at risk. Chemical attributes can sometimes fail to recognise the natural variability within freshwater chemistry. Currently biological attributes are under-represented in the proposed framework.

Ravensdown submits that the attributes listed in appendix 2 will not accurately recognise all environmental stressors and that further biological attributes are required.

Question 15: Do you agree with the numeric attribute states in appendix 2 of the proposed NPS-FM?

Ravensdown generally supports the proposed numeric attributes, subject to the robustness of the scientific data used for its derivation. However, Ravensdown submits that the issue is how councils will use the absolute numeric values of the attributes in any proposed regulations and, as mentioned above, the attributes are seemingly weighted against the agricultural community.

Question 16: Do you agree with the narrative attribute states in appendix 2 of the proposed NPS-FM?

Ravensdown gives qualified support, subject to the concerns raised in question 15.

Question 17: Do you agree with putting a NOF in the NPS-FM now, including only the attributes for which there is adequate evidence, and updating it as the scientific basis for further attributes and states becomes available?

Ravensdown supports the intention of including only the attributes for which there is a scientific basis for their inclusion. However, it is Ravensdown's submission that the scientific evidence required should be at a greater level than 'adequate', rather robust and defensible.

Ravensdown is of the view that production of a completed package of legislative reforms, NPSFM amendments and guidance material to provide clarity and certainty is now a matter of urgency.

Question 19: Do you agree with having the process requirements to link values and freshwater objectives directed in policy CA1 in the proposed amendments? If not, why not?

Ravensdown supports the inclusion of process requirements linking the proposed values with regional councils developing freshwater objectives.

Policy CA1 should provide regional councils with the required direction to develop freshwater objectives for their identified freshwater management units. The policy should allow for comprehensive engagement with the appropriate stakeholders, as long as the council implements the amended policy correctly. It is Ravensdown's opinion that regional councils are currently employing the collaborative process over a varying range of adequacy.

Ravensdown submits that adequate regulatory guidance about the collaborative process is currently conspicuous by its absence and is required sooner rather than later.

Question 21: Do you agree with the proposed matters in policy CA1(f) that must be considered when establishing freshwater objectives? If not, why not?

Ravensdown submits that all of these must be considered when establishing freshwater objectives, particularly (v) regarding the social and economic implications for resource users, and the actions and investments required by resource users to address the choice of freshwater objectives and associated limits.

Ravensdown submits that there is confusion as to what the term 'limits' is referring to in (iii); is this a general reference to an attribute or a parameter such as nitrogen or phosphorus, or is this a specific reference to a value such as 3.6 mg N/L? Some clarity is required.

Question 22: Is it clear that setting freshwater objectives is an iterative process which involves consideration of the impacts of the limits, management methods, and timeframes required to meet a potential freshwater objective?

Ravensdown submits that it is clear that setting freshwater objectives is an iterative process and the iterative process is supported.

Question 23: Do you agree that regions should have discretion to determine timeframes for meeting freshwater objectives?

Ravensdown submits that the regional councils, and hence the communities, should decide the timeframes for meeting freshwater objectives within their region.

4.3 Compulsory values in the NPS-FM

Question 25: Do you agree that ecosystem health should be a compulsory value?

Ravensdown submits that ecosystem health should be a compulsory value but has concerns around how it is assessed by council during freshwater plan development and how it will be measured and monitored on an ongoing basis.

Question 26: Do you agree that human health for secondary contact recreation (such as boating and wading) should be a compulsory value?

Ravensdown supports the use of human health for secondary contact recreation as a compulsory value.

Question 27: Do you think there should be more compulsory values? If so, what should they be, and why? What attributes should be associated with them?

Ravensdown submits that the compulsory values in the proposed amendments are sufficient to achieve the purpose of the document.

4.4 National bottom lines

Question 28: Should there be numeric bottom lines for attributes of the compulsory values?

Ravensdown agrees with the intent of the numeric bottom lines for attributes of the compulsory values; that is to provide a degree of protection for widely held values and to assist councils and communities by providing clarity on the minimum acceptable states required.

Ravensdown submits that the NPSFM should further clarify the necessity for the banded framework, including any bottom lines, to be supported by robust science with a focus on effects.

Ravensdown supports the statement in section 4.4 of the discussion document that the “national bottom lines will not directly set standards but will inform long-term freshwater objectives”. While Ravensdown agrees that the thresholds should not be measured from a

single water quality test, for assessing compliance in a dynamic freshwater system, Ravensdown submits that rolling 3-5 year timeframes be used.

Question 29: Do you agree with the proposed level at which bottom lines would be set for each attribute of ecosystem health? If not, at what level should they be set?

In relation to this question, Ravensdown submits in support of the view provided by DairyNZ, which is as follows:

Macroinvertebrate Community Index (MCI)

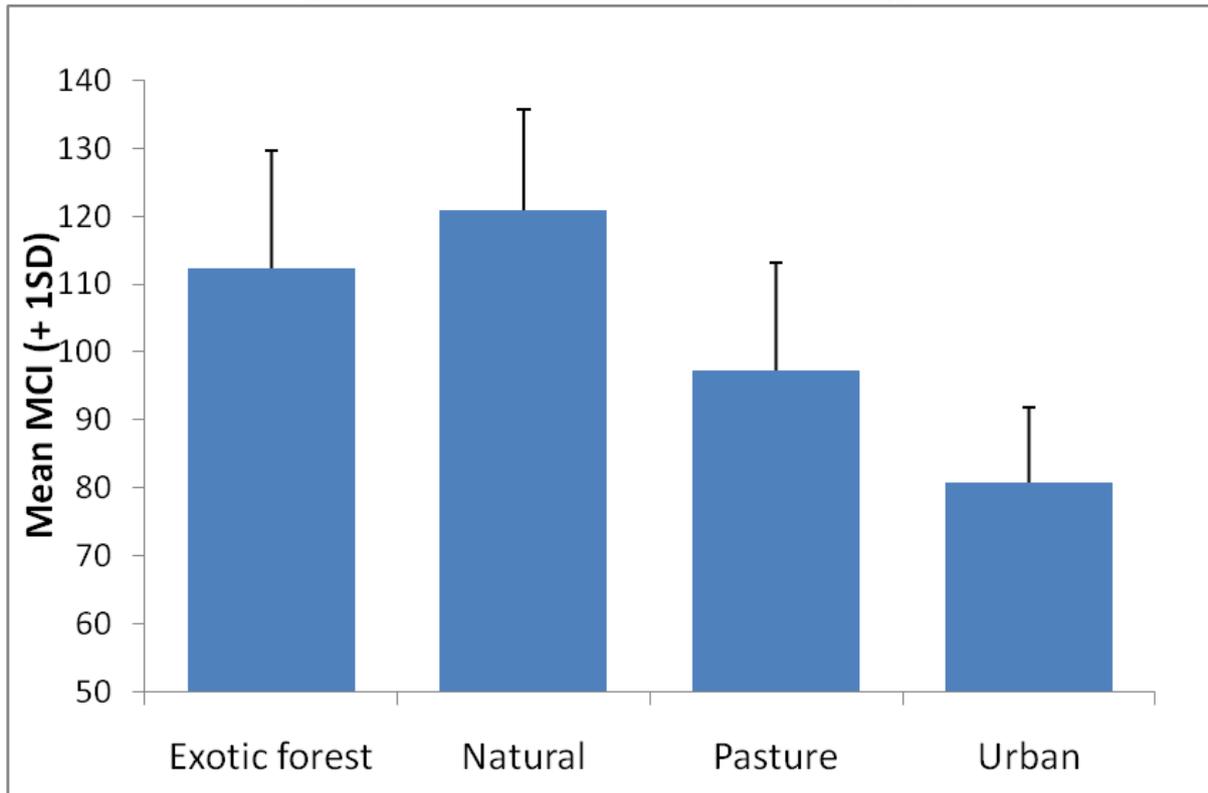
The first iteration of the NOF has excluded macroinvertebrate indicators of ecosystem health. It is [our] view that this is a significant oversight. Biotic indices of ecosystem health are used throughout the world. In New Zealand the Macroinvertebrate Community Index (MCI; developed for stony streams in Taranaki in the mid-1980s) is routinely used by regional councils, consultancies and researchers for monitoring the health of hard and soft-bottomed streams¹. In addition, nationally-accepted bands for MCI already exist and are consistent with the NOF banding approach. Attribute states are defined as A (MCI \geq 120), B (100 \geq MCI $<$ 120), C (80 \geq MCI $<$ 100) and D (MCI $<$ 80).

The recently released National River Health Indicator dataset² contains averaged MCI values for 1034 monitored sites from throughout NZ. Analysis of this dataset shows a strong relationship between dominant land cover upstream on the monitoring site and mean MCI (see Figure below). This indicates that MCI is a good discriminator of land use pressures on freshwater ecosystems – an important criterion for any indicator.

Overall, 12% of the 1034 monitored sites breached the proposed bottom line (see Table below). No Natural land cover sites breached the bottom line, whereas 6, 16 and 48% of Exotic forest, Pasture and Urban sites, respectively, breached the bottom line.

¹ A soft-bottomed variant of the MCI was developed in 2007. (Stark, J. & Maxted, J. (2007). A biotic index for New Zealand's soft-bottomed streams. NZ J. Marine & Freshwater Research. 41:43-61)

² <http://www.mfe.govt.nz/environmental-reporting/fresh-water/river-condition-indicator/index.html>



Dominant land cover	No. sites	% 'A' band	% 'B' band	% 'C' band	% 'D' band
Exotic Forest	47	43	36	15	6
Natural	281	55	38	7	0
Pasture	679	7	41	36	16
Urban	27	0	4	48	48
Total	1034	22	39	27	12

Outcome sought:

- Include MCI in the attribute tables for the NOF.
- Adopt the established bands i.e.

A	>120
B	100-119
C	80-99
D	<80

- It is recommended that monitoring occur annually during summer low flows and sampling methods be consistent with the accepted national protocols³.
- If acceptable following MfE analysis of national compliance and associated economic impacts, adopt 80 as a suitable national bottom line.

Question 30: Do you agree with the proposed level at which bottom lines would be set for each attribute of human health for secondary contact recreation? If not, at what level should they be set?

Ravensdown supports the proposed bottom lines for human health for secondary contact recreation.

Question 31: Do you agree that transitional arrangements should be provided to allow councils and communities to set objectives below a national bottom line for a short time?

Ravensdown supports the provision of transitional arrangements to allow for the setting of objectives below a national bottom line for a short time.

4.5 Exceptions to national bottom lines

Question 32: Do you agree that there could be exceptions where the natural state of the freshwater management unit breaches bottom lines? Where in your region do you think this type of exception might apply?

Ravensdown agrees that there could be exceptions to the national bottom lines, recognising circumstances where it is not possible to improve water quality to the required level. However, the circumstances would need to be exceptional and undisputed, such as natural contamination. There needs to care taken so that this policy does not create an uneven playing field, where highly resourced or politically important parts of the community will be able to apply to obtain an exemption and those not well resourced or politically connected will not be able to.

Question 33: Do you agree that there could be exceptions where historical activities have created impacts on water quality and the reversal of those impacts is not reasonably practicable, either physically or ecologically, even in the long term? Where in your region do you think this type of exception might apply?

Ravensdown agrees that there could be exceptions, but submits that this is dependent on a clear definition regarding what constitutes an 'historical activity'.

Question 35: Do you agree that freshwater management units eligible under the first two exceptions above should be decided by regional councils?

Ravensdown submits that all exemptions to the national bottom line should be decided by central government. Ravensdown submits that it is appropriate for the applications for an

3 Stark, J.; Boothroyd, I.; Harding, J.; Maxted, J.; Scarsbrook, M. 2001. Protocols for sampling macroinvertebrates in wadeable streams. Ministry for the Environment. New Zealand Macroinvertebrate Working Group Report No. 1. 57 p.

exemption to be made to the regional council, who then makes a recommendation to central government.

4.6 Articulating tāngata whenua values

Question 38: Do you think the proposed NPS-FM adequately provides for Te Mana o te Wai?

Question 39: Do you agree with the way tāngata whenua values are described in proposed appendix 1 of the NPS-FM?

Question 40: Do you support adding Te Mana o te Wai to objective A1 of the amended NPS-FM as a matter that must be safeguarded? What would be the implications of adding this to objective A1 in the NPS-FM?

Ravensdown is unable to make specific comment on the potential implications of including Te Mana o te Wai as an objective in the NPSFM.

4.7 Monitoring

Question 41: Do you agree with the new section in the NPS-FM requiring monitoring plans? If not, why not?

Ravensdown supports the requirement for monitoring plans.

End.

Ravensdown would like to thank the Ministry for the Environment for the opportunity to comment and provide feedback on this discussion document.

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